UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,353	06/12/2001	Farhad Mohit	BIZ/01-0003	8754

22874　　7590　　10/20/2006	EXAMINER
GANZ LAW, P.C. P O BOX 2200 HILLSBORO, OR 97123	SMITH, TRACI L

	ART UNIT	PAPER NUMBER
	3629	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/881,353	MOHIT ET AL.
Office Action Summary	Examiner	Art Unit	
	Traci L. Smith	3629	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *13 July 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-60* is/are pending in the application.

    4a) Of the above claim(s) *61-63* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-60* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This action is in response to papers filed on July 13, 2006.

Claims 61-63 have been added.

Claims 61-63 have been withdrawn.

Claims 27, 33 and 53 have been amended.

Claims 1-60 are pending.

Claims 1-60 are rejected.

Election/Restrictions

1.   Newly submitted claims 61-63 are directed to an invention that is independent or

distinct from the invention originally claimed for the following reasons:

2.   Claims 61-63 are directed to a pre-stored web document as opposed to the web

document being created from the annotations in claims 1-60.

3.   Claims 61-63 associating "pre-defined" data with annotations of the web

document that has already been created. Where as claims 1-60 use the selected

annotations to create the document.

4.   Further more, claims 61-63 are using "contextually relevant information" that is

not available to the user prior to the annotation of the web document. In claims 1-60 the

information is not unavailable to the user outside of the document.

Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, claims 61-63 withdrawn from consideration as

being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed
> publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2.   Claims 1-60 and rejected under 35 U.S.C. 102(a) as being anticipated by

www.pricegrabber.com; retrieved from the wayback machine; any linkage February 8,

2000, hereinafter referred to as Pricegrabber.

3.   As to claims 1, 20, 22, 45, 48-49 and 53-54 Pricegrabber teaches

a.   A web document of a provider that stores product information in relation to

product information to recognize key words in a query(Pg. 2 and 45)

b.   Search engine that matches products with the user input key words(ie

lists)(Pg. 4 ¶ F).

c.   Engine identifies the product as matching search and creating an

annotation identifying it as a match.(Pg. 15 1a-b).

As to claims 27 and 33

d.   A web document of a provider that stores product information in relation to

product information to recognize key words in a query(Pg. 2 and 45)

e.   Search engine that matches products with the user input key words(ie

lists)(Pg. 4 ¶ F).

> f.   Engine identifies the product as matching search and creating an
>
> annotation identifying it as a match.(Pg. 15 1a-b).
>
> **Wherein the second computer system did not provide the electronic**
>
> **document received on the first computer(Pg 25). The first computer**
>
> **supplies the electronic document .**
>
> **Wherein the annotation was created by the second computer system using**
>
> **the key elements and corresponding identifiers provided by the first**
>
> **computer(Pg. 26). User selects a category(key element) which then**
>
> **annotation was selected by the users.**

4.   As to claims 2-4, 14-17, 23, 25, 44 and 55 Price grabber teaches code
embedded by site providing service(Pg. 15 source code for pg 9-10).

5.   As to claims 5-6, 28-29, 34, 36, 42, 46-47, 51-52 and 55 Pricegrabber teaches
the annotations allow the for identifying matches in a search(Pg. 6 ¶ D).

6.   As to claims 7-8, 13, 26, 35, 37 and 60 Price grabber teaches the search queries
products based on the key words input by the user.(Pg 6 ¶ F).

7.   As to claims 9 and 38 Price grabber displayed product information for
comparison(Pg. 9-10).

8.   As to claims 10 and 39 Price grabber teaches allowing user to gain further
information about a product(Pg. 23 ¶ A).

9.   As to claims 11 and 40 Price grabber teaches means for purchasing product(pg.
41 ¶ B).

10.   As to claims 12, 41 and 59 Price grabber teaches the annotation as like to the products(Pg. 27, 28 L.A).

11.   As to claim 19 Price grabber teaches additional information via a pop-up window.

12.   As to claims 21 and 30-31 Price grabber teaches key elements as links that is transmitted from one computer to another in response to a query(Pg. 9-10, 15-19 and Pg. 42 ¶E).

13.   As to claims 57-58 Price grabber teaches the service being provided by a third party provider(Pg. 4 ¶ D; Pg. 42 ¶ E).

Response to Arguments

14.   Applicant's arguments filed July 13, 2006 have been fully considered but they are not persuasive.

15.   As to applicants arguments regarding claims 1-19, 48 and 60 applicant fails to identify which of applicants claims are being argued. Examiner is unable to determine which limitations of which claims the applicant believes are not anticipated by the reference. Applicant argues that pricegrabber fails to teach 3 computer systems. The examiner notes pricegrabber teaches a user computer(consumer) a retailer(content) and pricegrabber(central)Pg. 4 ¶ D describes getting information from retailers to present to the users. As to applicants arguments that the "content" document is not stored on the content system. The examiner notes the information on the content system is obviously stored in order to be retrieved. The presentation of the information

to the user is separate for the content documents, the content providers information is provided to the user in an annotated format.

16.   As to applicants arguments regarding pricegrabber generating pages from it's own websited, applicant is directed to Pg. 4 ¶ D in which it teaches retrieving information from retailers and that pricegrabber merely supplies the connection and information but does not sell the products.

17.   As to applicants arguments regarding claim 22 that pricegrabber not recognizing key elements that are being sent to the user from the central system and carrying out annotations by the user system. When the user selects a key element and mines down through categories the users system is creating the annotation guidelines.(Pg. 4 ¶F).

18.   As to applicants arguments regarding claim 27 applicant is not claiming that certain aspects of "knowing the identity of a documents". The examiner notes pricegrabber teaches the user being able to select a specific product and the information(web document) being provided by the user. The second computer may know the identity of a document(applicant never defines what the identity is of a document) however, it is never claimed that the second computer uses that identity in the instructions that are sent to the first computer.

19.   As to applicants arguments regarding claim 33 Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

20.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

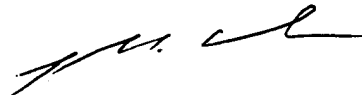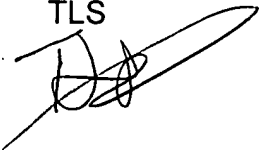than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Traci L. Smith whose telephone number is 571-272-

6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TLS

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600